

TITLE 11-000.

TRANSPORTATION, STREETS AND PUBLIC WAYS

11-100. RESERVED.

11-200. RESERVED.

11-300. STREETS AND PUBLIC WAYS.

11-310. SUPERINTENDENT OF STREETS.

11-311. STREETS DEPARTMENT

A. There is hereby created a department of streets which shall have general supervision of streets, sidewalks, bridges and other public ways.

B. The department shall be under the direction and control of the Public Works Director.

11-312. POWERS AND DUTIES OF STREETS DEPARTMENT.

The department shall:

A. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters.

B. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.

C. Enforce the provisions of this chapter 11-300 and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.

D. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair.

11-320. STREETS – TRAFFIC CONTROL.

11-321. ADOPTION OF UTAH TRAFFIC CODE.

A. The Utah Traffic Rules and Regulations, 1986 Edition, as compiled, prepared and published as a code in book form by the Utah Department of Public Safety and attached hereto as Appendix "A," three (3) copies of which have been filed for use and examination

by the public in the office of the City Recorder, is hereby approved and adopted as the traffic code for Delta City, except as such code may be hereafter altered or modified by the ordinances of Delta City and except as to the following provisions of said code which are hereby excluded from adoption:

- a. All of Titles 27 and 31A.
- b. Article V of Chapter 6, Title 41, which as heretofore been enacted as Sections 11-321.B., C., D., and E., of the Revised Ordinances of Delta City.
- c. Chapters 9, 12a, 13, 17 and 18 of Title 41.
- d. All of Titles 53 and 54.
- e. Chapter 49 of Title 63.
- f. All of Title 76.

All of the provisions of the Utah Traffic Rules and Regulations attached hereto as Appendix "A" which are not specifically excluded are hereby deemed adopted and enacted as the Delta City Traffic Code.

B. DRIVING ON REVOCATION OR SUSPENSION.

1. A person convicted of violation of Section 41-2-28 of the Utah Traffic Code as adopted by the City of Delta, other than a violation specified in subsection 2 of this section, is guilty of a class B misdemeanor.
2. A person whose conviction under Section 41-2-28 is based on his driving while his operator's or chauffeur's license is suspended or revoked for a refusal to submit to a chemical test as set forth in Section 41-6-44.10, a violation of Section 41-6-44, a local ordinance which complies with the requirements of Section 41-6-43, Section 76-5-207 [all references to Utah Code Annotated (1953), as amended], or a criminal prohibition that the person was charged with violating as a result of the plea bargain after having been originally charged with violating one or more of these sections or ordinances is guilty of a class A misdemeanor; a fine imposed shall be in an amount not less than the maximum fine for a class B misdemeanor under Section 76-3-301, Utah Code Annotated.

C. DRIVING WHILE INTOXICATED.

1. Driving Under the Influence of Alcohol or Drugs:
 - a. It is unlawful and punishable as provided in this section for any person to operate or be in actual physical control of a vehicle within this state if the person has a blood or breath alcohol concentration of .08 or greater as shown by a chemical test given within two hours after the alleged operation or physical control, or if the person is under the influence of alcohol or any drug or the combined influence of alcohol and any drug to a

degree which renders the person incapable of safely operating a vehicle. The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.

b. Alcohol concentration in the blood shall be based upon grams of alcohol per one hundred milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.

c. Every person who is convicted the first time of a violation of subsection a. of this section is guilty of a class "B" misdemeanor. But if the person has inflicted a bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner, he is guilty of a class A misdemeanor. For the purpose of this section, the standard of negligence is that of simple negligence, the failure to exercise that degree of care which an ordinarily reasonable and prudent person exercises under like or similar circumstances.

d. In addition to the penalties provided for in subsection c., the court shall, upon a first conviction, impose a mandatory jail sentence of not less than 48 consecutive hours nor more than 240 hours, with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than 24 hours nor more than 50 hours and, in addition to the jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility.

e. Upon a second conviction within five years after a first conviction under this section, the court shall, in addition to the penalties provided for in subsection c., impose a mandatory jail sentence of not less than 240 consecutive hours nor more than 720 hours, with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than 80 nor more than 240 hours and, in addition to the jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility. The court may, in its discretion, order the person to obtain treatment at an alcohol rehabilitation facility. Upon a subsequent conviction within five years after a second conviction under this section, the court shall, in addition to the penalties provided for in subsection c., impose a mandatory jail sentence of not less than 720 nor more than 2,160 hours with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than 240 nor more than 720 hours and, in addition to the jail sentence or work in the community-service work program, order the person to obtain treatment at an alcohol rehabilitation facility. No portion of any sentence imposed under subsection c. may be suspended and the convicted person shall not be eligible for parole or probation until any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation of this section may not be terminated and the department may not reinstate any license suspended or revoked as a result of such conviction, if it is a

second or subsequent conviction within five years, until the convicted person has furnished evidence satisfactory to the department that all fines and fees, including fees for restitution, and rehabilitation costs, assessed against the person, have been paid.

f. The provisions in subsection d. and e. that require a sentencing court to order a convicted person to: participate in an assessment and educational series at a licensed alcohol rehabilitation facility; obtain, in the discretion of the court, treatment at an alcohol rehabilitation facility; obtain, mandatorily, treatment at an alcohol rehabilitation facility; or do any combination of those things, apply to a conviction for a violation of subsection 11-321.D. that qualifies as a prior offense under subsection g. hereof. The court is required to render the same order regarding education or treatment at an alcohol rehabilitation facility, or both, in connection with a first, second or subsequent conviction under subsection 11-321.D. that qualifies as a prior offense under subsection g., as the would render in connection with applying respectively, the first, second, or subsequent conviction requirements of subsections d. and e. For purposes of determining whether a conviction under subsection 11-321.D. which qualified as a prior conviction under subsection g., is a first, second or subsequent conviction under this subsection, a previous conviction under either subsection 11-321.C. or D. is considered a prior conviction. Any alcohol rehabilitation program and any community-based or other education program provided for in this section shall be approved by the Department of Social Service.

g.

(i) When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of subsection 11-321.D. in satisfaction of, or as a substitute for, an original charge of a violation of this section, the prosecution shall state for the record a factual basis for the plea, including not there had been consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense. The statement shall be an offer of proof of the facts which shows whether or not there was consumption of alcohol or drugs, or a combination of both, by the defendant, in connection with the offense.

(ii) The court shall advise the defendant before accepting the plea offered under this subsection of the consequences of a violation of subsection 11-321.D. as follows. If the court accepts the defendant's plea of guilty or no contest to a charge of violating subsection 11-321.D. and the prosecutor states for the record that there was consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense, the resulting conviction is a prior offense for the purpose of subsection e.

(iii) The court shall notify the department of each conviction of subsection 11-321.D., which is a prior offense for the purposes of subsection e.

h. A peace officer may, without a warrant, arrest a person for violation of this section when the officer has probable cause to believe the violation has occurred, although not in his presence, and if the officer has probable cause to believe that the violation was committed by the person.

2. RESERVED.

3. The provisions of section 41-6-44.3, Utah Code Annotated (1953), as amended, are hereby adopted by this reference.

4. RESERVED.

5. The provisions of Section 41-6-44.5, Utah Code Annotated (1953), as amended, are hereby adopted by this reference.

6. RESERVED.

7. RESERVED.

8. The provisions of Section 41-6-44.8, Utah Code Annotated (1953), as amended, are hereby adopted by this reference.

9. RESERVED.

10. IMPLIED CONSENT TO CHEMICAL TESTS FOR ALCOHOL OR DRUG.

a. Any person operating a motor vehicle in Delta City is considered to have given his consent to a chemical test or tests of his breath, blood or urine for the purpose of determining whether he was operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug as detailed in subsection 11-321.C. if the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug, alcohol and any drug as detailed in subsection 11-321.C.1. The peace officer determines which of the tests are administered and how many of them are administered. If any officer requests more than one test, refusal by a person to take one or more requested tests, even though he does submit to any other requested test or tests, is a refusal under this section. A person who has been requested under this section to submit to a chemical test or tests of his breath, blood or urine, may not select the test or tests to be administered. The failure or inability of a peace officer to arrange for any specific test is not a defense with regard to taking a test requested by a peace officer, and it is not a defense in any criminal, civil or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

b. If the person has been placed under arrest and has then been requested by a peace officer to submit to any one or more of the chemical tests under subsection a. of this section and refuses to submit to the chemical test or any one of the tests requested, the person shall be warned by a peace officer requesting the test or tests that a refusal to submit to the test or tests can result in revocation of his license to operate a motor vehicle. Following the warning, unless the person immediately requests the chemical test or tests as offered by a peace officer be administered, no test may be given. A peace officer shall serve upon the person, on behalf of the Driver's License Division (hereinafter referred to as "division"), immediate notice of the division's intention to revoke the person's privilege or license to operate a motor vehicle. If the officer serves the immediate notice on behalf of the division he shall:

- (i) Take the Utah license certificate or permit, if any, of the operator;
- (ii) Issue a temporary license effective for only 30 days; and
- (iii) Supply to the operator, on a form approved by the division, basic information regarding how to obtain a hearing before the division. A citation issued by a peace officer may, if approved as to form by the division, serve also as the temporary license. The peace officer shall submit a signed report within five days after the date of the arrest, that he had grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited or while under the influence of alcohol or any drug or combination of alcohol and any drug under subsection 11-321.C.1. and that the person had refused to submit to a chemical test or tests under subsection a. of this section.

c. Any person who is dead, unconscious, or in any other condition rendering him incapable of refusal to submit to any such chemical test or tests is considered to not have withdrawn the consent provided for in subsection a. of this section and the test or tests may be administered whether the person has been arrested or not.

d. Upon the request of the person who was tested, the results of such test or tests shall be made available to him.

e. Only a physician, registered nurse, practical nurse or person authorized under subsection 26-1-30 (19), Utah Code Annotated (1953), as amended, acting at the request of peace officer can withdraw blood for the purpose of determining the alcoholic or drug content. This limitation shall not apply to the taking of a urine or breath specimen. Any physician, registered nurse, practical nurse or person authorized under subsection 26-1-30 (19), Utah Code Annotated (1953), who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which such sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.

f. The person to be tested may, at his own expense, have a physician of his own choosing administer a chemical test in addition to the test or tests administered at the direction of the peace officer. The failure or inability to obtain the additional test shall not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer. The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

g. For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney nor shall such a person be permitted to have an attorney, physician or other person present as a condition for the taking of any test.

h. If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol or any drug or combination of alcohol and any drug.

20. The provisions of Section 41-6-44.20, Utah Code Annotated (1953), as amended, are hereby adopted by this reference.

30. The City Council finds that it is contrary to the safety of the public to leave vehicles unattended on public roads in certain instances in Delta City.

a. If a peace officer arrests or cites the driver of a vehicle for violating sections 41-6-44, or 41-6-44.10, Utah Code Annotated (1953), as amended, or Section 11-321.C. of this ordinance, the officer shall seize and impound the vehicle except as provided under subsection b.

b. If the registered owner of the vehicle, other than the driver, is present at the time of the arrest, the officer may release the vehicle to that registered owner, but only if the registered owner: (i) requests to remove the vehicle from the scene; (ii) presents to the officer a valid driver's license and sufficient identification to prove ownership of the vehicle; (iii) complies with all restrictions of his driver's license; and (iv) would not, in the judgment of the officer, be in violation of Sections 41-6-44 or 41-6-44.10, Utah Code Annotated (1953), as amended, or Section 11-321.C. of this ordinance, if permitted to operate the vehicle, and if the vehicle itself is legally operable.

c. Any officer who impounds a vehicle under this section shall remove, or cause the vehicle to be removed, to the nearest accessible impound yard that meets the standards set by rule by the Division of Motor Vehicles, or if none, to a garage or some other reasonably safe place. The impound yard standards set by the Division of Motor Vehicles shall be fair and reasonable and shall be unrestrictive as to number of impound yards per

geographical area. The peace officer or agency by whom the officer is employed shall, within 24 hours after the seizure, notify the Division of Motor Vehicles of the seizure and impoundment. The notice shall set forth the driver's name, a description of the vehicle, its identification number, if any, its license number, the date, time and place of impoundment, the reason for impoundment, and the name of the garage or place where the vehicle is stored.

d. Upon receipt of notice, the Division of Motor Vehicles shall give notice to the registered owner of the vehicle in the manner prescribed by Section 41-1-16, Utah Code Annotated (1953), as amended. The notice shall set forth the date, time and place of impoundment, the name of the person driving the vehicle at the time of seizure, the reason for seizure and impoundment, and the name of the garage or place where the vehicle is stored. It shall also inform the registered owner that the person is responsible for payment of towing, impound and storage fees charged against the vehicle. The notice shall also inform the registered owner of the vehicle of the condition as prescribed in subsection e. of this section which must be satisfied before the vehicle can be released.

e. The impounded vehicle shall be released after the registered owner or the owner's agent:

i. Makes a claim in person for release of the vehicle at any office of the State Tax Commission.

ii. Pays an impound fee of \$25.00.

iii. Presents identification sufficient to prove ownership of the impounded vehicle; and

iv. Pays all towing and storage fees to the impound lot where the vehicle is stored.

All impound fees under this subsection shall be treated as dedicated revenue to the Division of Motor Vehicles.

f. Any impounded vehicle not claimed by the registered owner or the owner's agent within the time prescribed by Section 41-4-117, Utah Code Annotated (1953), as amended, shall be sold in accordance with that section and the proceeds, if any, disposed of in accordance with section 41-1-117, Utah Code Annotated (1953), as amended. The date of impoundment is considered the date of seizure for purposes of computing the time period provided in Section 41-4-117., Utah Code Annotated (1953), as amended.

g. Towing and storage fees shall be those established by the department of motor vehicles and shall be reviewed by Delta City annually to ensure equity for vehicle owners and towing and storage operators. Towing, impounding or storage fees are a lien on the vehicle.

h. Towing and storage fees shall be established by the Division of Motor Vehicles and shall be reviewed by Delta City annually to ensure equity for vehicle owners and towing and storage operators. Towing, impounding or storage fees are a lien on the vehicle.

i. The registered owner of the vehicle upon the payment of all fees and charges incurred in the seizure and impoundment of the owner's vehicle has a cause of action for all the fees and charges, together with damages, court costs and attorney fees, against the driver of the vehicle whose actions caused the impoundment.

j. No liability shall be imposed upon any peace officer, the state, or any of its political subdivisions on account of the enforcement of this section.

D. RECKLESS DRIVING.

a. Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

b. Every person convicted of reckless driving is guilty of a class B misdemeanor. Upon a first conviction, the minimum term of imprisonment is not less than five days and the minimum fine is not less than \$25.00. On a second or subsequent conviction, the minimum term of imprisonment is not less than 10 days and the minimum fine is not less than \$50.00.

E. AUTOMOBILE HOMICIDE.

1. Criminal homicide constitutes automobile homicide if the actor, while under the influence of alcohol, a controlled substance, or any drug, to a degree which renders the actor incapable of safely driving a vehicle, causes the death of another by operating a motor vehicle in a negligent manner. For the purposes of this section, the standard of negligence shall be that of simple negligence, the failure to exercise that degree of care which ordinarily reasonable and prudent persons exercise under like or similar circumstance.

2. Any chemical test administered on a defendant with his consent or after his arrest under this section, whether with or against his consent, shall be admissible in accordance with the rules of evidence.

3. For the purposes of this section, a motor vehicle constitutes any self-propelled vehicle and includes, but is not limited to, any automobile, truck, van, motorcycle, train, engine, watercraft or aircraft.

F. PROVISIONS RELATE TO VEHICLES ON PUBLIC STREETS – EXCEPTIONS. Section 41-6-11 of the Utah Traffic Code as adopted by Subsection 11-321.A. shall be deemed applicable to all provisions of the Utah Traffic Code and to the offences defined and prohibited under subsections 11-321.B., C., D., and E. of the Revised Ordinances of Delta City (1981 edition).

11-323. PRIMA FACIE SPEED – DESIGNATED STREETS.

A. When appropriate street signs giving notice of maximum permitted speed thereon are erected, the prima facie speed limits designated in Appendix "B" to this title shall apply to the appropriate streets listed therein.

B. Unless otherwise provided in this part or in any other ordinance of Delta City, the prima facie speed limits on the streets of Delta City shall be 25 miles per hour.

The Appendix "B" referred to Section 11-323.A. as adopted above is attached this ordinance as Exhibit "1," which exhibit is hereby adopted as Appendix "B" to said Section 11-323.A.

11-325. THROUGH STREETS DESIGNATED.

Those streets and parts of streets described in Appendix "C" to this Title are hereby declared to be through streets.

The Appendix referred to as Appendix "C" in Section 11-325 as adopted herein is attached hereto as Exhibit "2" to this ordinance, which exhibit is hereby adopted as Appendix "C" to said Section 11-325.

11-328. RESERVED.

11-329. HOSPITAL ZONE TRAFFIC REGULATIONS.

There is hereby created and established a traffic regulation zone designated as a "hospital zone" to provide for unobstructed access to emergency entrances to hospitals located within the City of Delta and to provide for safe passage of motor vehicles in the vicinity of hospitals and emergency entrances. The City Council shall designate each street, road and alley to be included within a hospital zone by ordinance and it shall be the duty of the City Public Works Director or other City employee designated by the City Council to place or caused to be placed at each street, road or alley designated as a hospital zone a conspicuous sign and the prima facie speed limit to be observed by motor vehicles within the hospital zone. It shall be a class B misdemeanor for any person to:

A. Drive a motor vehicle at a speed greater than 10 M.P.H. within a hospital zone marked by appropriate signs.

B. To park, stop or stand a vehicle in such a manner or in a position such that the vehicle obstructs the movement of an emergency vehicle upon the travel portion of any street, roadway or alley within a hospital zone.

C. To stand or park a vehicle, whether occupied or not, except to discharge or pickup a passenger or passengers from an emergency entrance to a hospital for emergency purposes within 30 feet of such emergency entrance.

11-330. ANIMALS ON STREETS.

11-331. DRIVING ANIMALS ON STREETS.

A. Every person who drives any herd of sheep or band of horses, cattle or other animals upon any public street or highway without first obtaining a permit from an appropriate law enforcement official is guilty of an infraction.

B. No person shall drive livestock through Delta City upon streets not designated for that purpose except upon permission and according to the direction of an appropriate law enforcement official.

11-340. PARKING REGULATIONS.

11-341. PARKING OR BLOCKING STREETS OR HIGHWAYS.

In addition to the parking provisions contained in the Utah Traffic Code, as adopted hereby, it shall be a class B misdemeanor for any person to:

A. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.

B. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.

C. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

11-342. SIGNS.

The City Council may authorize or direct any Delta City personnel to erect or install any sign or traffic control device required to enforce the provisions of this part.

11-344. UNLAWFUL PARKING.

A. PARKING AT CURB.

No motor vehicle shall be parked with the left side of the vehicle next to the curb, except on one way streets. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within eighteen inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.

B. VEHICLES FOR SALE. It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to peddle merchandise from any vehicle parked on a city street without first obtaining approval and any necessary license therefor.

C. LOADING ZONE.

When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.

D. PARKING PROHIBITED.

It shall be unlawful for any person, except physicians on emergency calls or designated emergency vehicles when properly posted, to park any motor vehicle on any street in violation of the posted restrictions.

E. ALLEYS.

No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic except as necessary during an emergency. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

F. CAB STANDS – BUS STANDS.

No motor vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designed as a bus loading zone.

G. PARKING PROHIBITED.

It shall be an infraction for any person to park or leave standing on any public road, street, alley or municipal property any motor vehicle for 48 or more consecutive hours, and any vehicle so parked or left standing may be impounded or removed by an appropriate law enforcement official. For purposes of impoundment and removal, an appropriate law enforcement official may impound and remove any motor vehicle which reasonably appears to have remained unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

11-345. PARKING REGULATIONS FOR OVERSIZED VEHICLES AND TRAILERS.

A. It shall be unlawful for a person to park a vehicle with a gross vehicle weight rating over 12,000 pounds on any Delta City street of less than 99 feet in width. Provided, such vehicle may be parked temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

B. It shall be unlawful for a person to park a vehicle or combination of vehicles in excess of twenty-one (21) feet in length, on any Delta City street of less than 99 feet in width. Provided, such vehicle may be parked temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

C. It shall be unlawful for a person to park an RV or any trailer, regardless of its size, on any Delta City street of less than 99 feet in width, except momentarily for the purpose of and while actually engaged in loading or unloading persons or property.

For the purposes of this Section, "gross vehicle weight rating" and "trailer" shall be defined as follows:

(1) "Gross vehicle weight rating" shall mean the maximum amount of weight allowable, as established by the manufacturer, for the truck, equipment, payload, fuel and occupants.

(2) "Trailer" shall mean every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

D. Penalty. Violation of this Ordinance shall be a Class "C" misdemeanor, punishable in accordance with §§ 76-3-204 and 76-3-301 of the Utah Criminal Code.

11-346. PARKING PROHIBITED IN DELTA CITY SUBDIVISIONS TO FACILITATE SNOW REMOVAL.

A. Parking Prohibited. In order to facilitate the removal of snow on public streets located within Delta City, no person who owns or has possession, custody, or control of any vehicle or trailer shall park such vehicle or trailer upon on any street or alley that is bordered by curb or gutter located within Delta City between the hours of 9:00 p.m. and 9:00 a.m. from November 1 of each year to March 31 of the following year.

B. Penalty. Violation of this Ordinance shall be an infraction.

11-350. CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS.

11-351. CONSTRUCTION BY PERSONS. It shall be unlawful for any person either as owner, agent, servant, contractor or employee to construct a street or sidewalk which does not conform to specifications established by the municipal engineer or other authorized representative of Delta City, unless special permission to deviate from such specification is first obtained from the City Council.

11-352. PERMIT REQUIRED – SUPERVISION.

A. No person, either as owner, agent, servant, contractor or employee, shall construct any permanent sidewalk for public use without first obtaining from the Public Works Director or other designated person a written permit so to do. The width and thickness

of the cement and the quality of materials used shall be determined by standards established by the City Council.

B. It shall be unlawful to construct a sidewalk in violation of Delta City specifications.

C. All sidewalk construction shall be inspected by the Public Works Director or his duly authorized representative. When the Public Works Director determines that it is necessary, pouring of cement shall be under continuous inspection.

11-353. CONSTRUCTION OF DRIVEWAYS OR CHANGES OF CONSTRUCTION.

It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb or gutter without first making written application and obtaining from the Public Works Director a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by Delta City.

11-354. BUILDING MATERIALS IN STREET – PERMIT.

It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the City Council a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be established by the City Council. Any such permit may be revoked by the City Council at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the City Council, the public interest requires such revocation.

11-355. PLACING OR MIXING SAND OR GRAVEL ON PAVED STREET OR SIDEWALK.

Unless a permit from the Public Works Director has been obtained, it shall be unlawful to:

A. Place or pile or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.

B. Make or mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk.

11-356. OVERFLOWING OF WATER ON PUBLIC PROPERTY.

It shall be unlawful for any person to allow water to overflow from any ditch, canal, well or irrigation stream onto the streets, sidewalks or property of Delta City.

11-357. IRRIGATION DITCHES ACROSS SIDEWALKS.

All owners or occupants of lots in Delta City who require water from a ditch for irrigation of other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the Public Works Director.

11-358. REMOVAL OF SOD, EARTH FROM STREETS OR OTHER PROPERTY.

No person shall dig, cut or remove any sod or earth from any street or other public place without a permit from the Public Works Director, except for enhancement of the appearance of designated planter strips adjacent to property owned by such person.

11-360. SIDEWALK REGULATIONS.

11-361. REMOVAL OF SNOW.

A. It shall be unlawful for the owner, occupant, lessor or agent of any property, abutting on a paved sidewalk to fail to remove, or have removed from such paved sidewalk, all hail, snow or sleet thereon within a reasonable time after such snow, hail or sleet has fallen. In case of a storm between the hours of 5 p.m. and 6 a.m. of the following day, such sidewalks shall be cleared before 9 a.m. of said day.

B. It shall be unlawful for any person removing snow from the sidewalk to deposit snow, dirt, leaves or any other material in the gutter so as to clog or prevent the free flow of water therein.

11-362. PLACING TRASH OR OTHER OBSTRUCTION IN STREETS, GUTTERS, SIDEWALKS.

It shall be unlawful for any person owning, occupying or having control of any premise to place, or permit to be placed upon or in the sidewalk, parking area, gutter or on the half of the street next to such premise:

A. Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water garbage, ashes, tin cans or other like substances.

B. Any wagons, lumber, wood boxes, fencing, building materials, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk or any part thereof, except as expressly authorized by ordinance, without the permission of the City Council first being had and obtained.

C. Any permanent or temporary structure, mechanism, device, vehicle; or other thing of any kind or character except trees planted pursuant to the provisions of applicable ordinances.

11-363. OPENINGS IN STREET.

A. It shall be unlawful for the owner or occupant of any building having a cellar which opens upon any street or sidewalk to fail to keep the door or other covering in good repair and safe from the passage of the customary traffic on the street or sidewalk. If the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering within 24 hours after notice from the Public Works Director to do so, the Public Works Director shall forthwith cause such repairs to be made at the expense of the owner or occupant.

B. it shall be unlawful to construct or maintain coal holes or other openings in streets or sidewalks, except with the special permission of the City Council, and under the direction and supervision of the Public Works Director.

11-364. DOORS OPENING INTO STREETS.

It shall be unlawful for any person, firm or corporation owning or having the control or management of any alley, road or passageway to construct or hang gates or doors to such alley, road or passageway so that the gates or doors thereto, when open, shall project outwardly more than two feet over or upon the sidewalk beyond the property line.

11-365. DISCHARGE OF WATER ON STREET.

It shall be unlawful for any person owning, occupying or having control of any premise to fail, refuse or neglect to prevent water from the roof or eaves of any house, building or other structure, or from any other source under the control of such person from discharging upon the surface of any sidewalk.

11-367. BUSINESS TO KEEP SIDEWALK CLEAN.

It shall be unlawful for any owners or occupants of any place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be kept clean.

11-368. PLACING GOODS ON SIDEWALKS FOR SALE OR SHOW.

No goods, wares or merchandise shall be placed, maintained or permitted for sale or show in or on any parking area, street or sidewalk beyond two feet from the front line of the lot, without first obtaining the written approval of the City Council. Such approval shall be granted only when such sale or show shall be a promotional activity not exceeding 48 hours and when participated in by a majority of firms seeking approval in their business areas. The City Council's written approval shall specifically provide that no goods, wares or merchandise shall be placed in such a manner as to leave less than a six-foot passageway for pedestrians.

11-369. PLACING GOODS ON SIDEWALKS FOR RECEIPT OR DELIVERY.

It shall be unlawful for any person to place or suffer to be placed or kept upon any public sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than two hours.

11-370. PLAYING ON SIDEWALKS.

Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel of pedestrians or vehicles thereon is guilty of an infraction.

11-371. CONGREGATING ON SIDEWALKS.

It is an infraction for any person or persons to congregate about or upon any sidewalks, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving or occupying such building or premises.

11-380. EXCAVATIONS.

11-381. PERMIT REQUIRED.

A. No person shall make any excavation in any street, land or alley or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the Public Works Director or other authorized representative of Delta City.

B. No person shall excavate any sidewalk without first obtaining a permit from the Public Works Director or other authorized personnel.

C. Nothing contained in this part shall be construed to waive the franchise required for any person by Delta City ordinances or law of Utah.

11-382. STANDARDS FOR EXCAVATION.

Excavations of any kind in municipal streets in Delta City shall be conducted, filled and repaired in accordance with the Delta City Construction Standards as adopted by the City of Delta after obtaining the permit required hereby. By applying for an accepting a permit the permittee agrees to comply with said requirements.

11-383. INSPECTION AND ACCEPTANCE.

A. In order to insure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the City Recorder payable to the municipality, except that a public utility operating or using any of the streets under franchise from the municipality will not be required to furnish such bond, providing such franchise obligates

the holder thereof to restore the streets and to hold Delta City harmless in conducting excavation and restoration operations under such franchise. The required surety bond must be:

1. With good and sufficient surety.
 2. By a surety company authorized to transact business in the State.
 3. Satisfactory to the municipal attorney in form and substance.
 4. Conditioned upon the permittee's compliance with this part in order to secure and hold Delta City and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit for which Delta City, the City Council or any municipal officer may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.
 5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the municipality, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.
- B. The amount of the surety bond or cash deposit shall be as heretofore or hereafter established by resolution of the City Council and may be so changed from time to time.

11-384. APPLICATION FOR STREET EXCAVATION PERMIT.

It shall be unlawful for any person to break, excavate, tunnel, undermine or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefor from the Public Works Director. Any public utility regulated by the State of Utah or holding a franchise from Delta City which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from Delta City to cover all excavations such utilities may make within the city streets. All permits shall be subject to revocation and Delta City may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing Delta City is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

11-400. Off-Highway Vehicles

11-410. Purpose.

A. This Title is for the purpose of adopting in part the Utah Off-Highway Vehicle Act, Title 41, Chapter 22, Utah Code Annotated 1953, as amended, and designating certain Delta City roads, streets, or highways as being open for off-highway vehicle use and establishing regulations related thereto.

11-420. Adoption of the Utah Off-Highway Vehicle Code, Rules and Regulations.

A. The Rules and Regulations contained in Utah Code Annotated Title 41, Chapter 22, as amended, are hereby adopted as the off-highway vehicle code of Delta City to the same extent and effect as though said Title, Chapters, Sections and Rules were set forth in full. Any provisions of Title 41, Chapter 22, providing a penalty greater than a Class B misdemeanor, or not relating to criminal or administrative sanctions, are not incorporated as part of this ordinance

B. In order to assure continuing uniformity between the Utah Off-Highway Vehicles Rules and Regulations and the Delta City off-highway vehicles Rules and Regulations, as required by U.C.A. § 41-22-18, this Ordinance will include any and all periodic amendments to the State Rules and Regulations, Title 41, Chapter 22, after the effective date of this title, made by the Utah State Legislature or by the Utah Department of Natural Resources.

11-430. Definitions.

A. Off-Highway Vehicle ("OHV") means the following vehicles and as defined in Utah Code Ann. § 41-22-2: all-terrain type I vehicle; all-terrain type II vehicle; motorcycle; snowmobile, and all other motor vehicles used for the purpose of recreation. The term does not include vehicles registered by the Department of Motor Vehicles.

11-440. Roads Designated for OHV Travel.

A. OHVs may only be used and operated within Delta City over such public lands, trails, streets, roads or highways that are designated by resolution of the City Council as open to OHV use and operation. Pursuant to U.C.A. § 41-22-10.5, as amended, such resolution of the City Council may designate certain streets and highways under its respective jurisdiction as:

- a. As open for street-legal all-terrain vehicle use;
- b. As open for general off-highway vehicle use; or,
- c. As open for limited off-highway vehicle use to allow off-highway vehicle operators to gain direct access to or from a private or public area for off-highway vehicle use.

B. No person may operate on OHV on Delta City roads or streets not designated as open to OHV use, except:

a. When beginning or ending an operation of an OHV within a Delta City neighborhood, provided that the most direct route possible to reach a designated OHV route is followed.

b. When crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;

c. When loading or unloading an OHV from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;

d. When an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or

e. When operating a street-legal all-terrain vehicle on a highway in accordance with Section 41-6a-1509.

11-450. Provisions of Use of an Off-Highway Vehicle.

A. Any person operating an OHV is subject to all of the provisions of Title 41 Chapter 6, Utah Code Annotated (1953), as amended (Traffic Code), which includes, but is not limited to:

1. No person under 14 years of age may operate an OHV within Delta City. OHV operators without a valid driver's license must possess an OHV education certificate as issued by the Utah Division of Parks and Recreation (U.C.A. § 41-22-30).

2. OHV operators under the age of 16, but older than 14 years of age must be under the direct supervision of an adult who is at least 18 years of age. "Direct supervision" as used in this section shall mean that the adult is within 50 feet of the person being supervised and actively engaged in supervising the use and operation of an OHV.

3. All operators 16 years of age and older must possess a valid operator's license as provided in Title 53, Chapter 3, Uniform Driver License Act.

4. All riders under the age of 18 may not operate or ride an all-terrain type I vehicle unless the person is wearing a properly-fitted USDOT approved protective headgear designated for motorized use (U.C.A. § 41-22-10.8).

5. All users of roads, streets and highways designated for use by OHV's must obey all traffic and other safety laws and rules as designated (U.C.A. § 41-6-44).

6. All users of the Delta City designated off-highway roads, streets and highways may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:

- a. approaching and crossing an intersection or railroad grade crossing;
- b. approaching and going around a curve;
- c. approaching a hill crest;
- d. traveling upon any narrow or winding roadway;
- e. special hazards exist due to pedestrians, other traffic,
- f. weather or road conditions.

7. Unless otherwise stated herein, even when no special hazard exist, an operator of an OHV will not travel at a speed in excess of the posted or applicable speed limit.

11-460. Prohibited Operation.

A. It shall be unlawful for any person to drive or operate any OHV in the following ways or under the following circumstances, which are hereby declared to be unlawful, unsafe and a public nuisance:

a. On a roadway, shoulder or inside bank or slope of any road, street or highway, except as provided in this Title.

b. On direct crossing of a street or highway that is not designated as open to OHV use, unless:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

i. The OHV is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

ii. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

c. Without being equipped with at least one headlamp, one tail lamp and brakes, all in working order, which conform to standards as prescribed in U.C.A. § 41-22-10.7.

d. Operating an OHV between sunrise and sunset without headlights and taillights.

e. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.

- f. While under the influence of alcohol or drugs.
- g. Without a manufacturer-installed or equivalent muffler in good working order and connected to the OHV's exhaust system. Mufflers must have a federally approved spark arrester. Overall noise emission may not exceed 99 decibels at a distance of 20 inches. Mufflers may not be altered to increase motor noise, or have a cutout, bypass, or similar device (U.C.A. § 41-22-10.7).
- h. In a direction other than the same direction as other motor vehicles.
- i. Within the right-of-way of any road, street or highway while towing a sled, skid or other vehicle, unless the object towed is connected to the OHV by a hinged swivel and secure hitch.
- j. Upon private property, other than that of the OHV owner or operator, without express written permission of the owner.
 - i. It shall be unlawful for any person operating or accompanying a person operating an OHV to refuse to immediately leave private land upon the request of the owner or person in charge of such land.
 - ii. No person operating or accompanying a person operating an OHV shall obstruct any entrance or exit to private property with an OHV, trailer or other vehicle without the owner's permission.
 - iii. It shall be unlawful for any person to tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating an OHV on land; or, to tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to any such fence or enclosure.

11-470. Penalty.

A. Use of OHV's in violation of registration requirements or traffic codes, shall be penalized according to the violation in the traffic code as found in the Utah Code Annotated. Unless another penalty is provided elsewhere in the laws of the State of Utah, violations of provisions of this Title shall be punishable as a Class C Misdemeanor.

APPENDIX B

DELTA CITY SPEED LIMITS

A. PRIMA FACIE SPEED – DESIGNATED STREETS

The following streets within Delta City shall have appropriate street signs designating the below indicated maximum speed limit.

Street Location	Status of Signage	Speed Limit	Direction
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SR 50 690 E	Speed Limit Sign Posted	40 MPH	West bound
SR 50 690 E	Speed Limit Sign Posted	40 MPH	East bound
SR 50 Jct 6	Speed Limit Sign Posted	30 MPH	West bound
SR 50 Jct 6	Speed Limit Sign Posted	40 MPH	East bound
HWY 6 450 N	Speed Limit Sign Posted	40 MPH	North bound
HWY 6 450 N	Speed Limit Sign Posted	40 MPH	South bound
SR 50-6 600 W	Speed Limit Sign Posted	30 MPH	East bound
SR 50-6 600 W	Speed Limit Sign Posted	40 MPH	West bound
300 E Main	Speed Limit Sign Posted	30 MPH	West bound
50 E Main	Speed Limit Sign Posted	30 MPH	West bound
400 W Main	Speed Limit Sign Posted	30 MPH	East bound
100 W 50 S	Speed Limit Sign Posted	30 MPH	North bound
100 W 450 W	Speed Limit Sign Posted	30 MPH	South bound

B. PRIMA FACIE SPEED – UNDESIGNATED STREETS

All other Delta City streets not posted within the City boundaries shall have a prima facie speed limit of 25 miles per hour.

APPENDIX C

DESIGNATED THROUGH STREETS

The following dedicated Delta City streets are designated through streets within the City limits:

Street Designation	Direction
Birch Road	East to West
Cemetery Road	East to West
Center Street	North to South
Locust Avenue	North to South
Millard Road	North to South
Sunset Avenue	North to South
Thomas Road	North to South

100 West

North to South